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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,175

04/29/2005

Ronald Peterson

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT

PAPER NUMBER

1792

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/533,175	Applicant(s) PETERSON ET AL.	
	Examiner Laura Edwards	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-10 and 16-28 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051109</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election with traverse of Group I, claims 1-10 and 16-28 in the reply filed on 5/13/08 is acknowledged. The traversal is on the ground(s) that the cited portions of the '935 reference do not disclose, teach or suggest the indicated linking features as suggested such as the '935 reference does not appear to disclose applying a continuous sheet of water as suggested and/or as claimed (e.g., it appears that the '935 reference requires the use of spray nozzles such as nozzles 3 in FIG. 1). While the argument above is acknowledged, the lack of unity would be proper because the special technical feature (STF) is known and set forth in the prior art. The STF including a coating application apparatus with water sheet application is known as evidenced by the rejections below such that the lack of unity is warranted.

The requirement is still deemed reasonable, proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

Claims 8-10 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 1, "said tank" lacks antecedent basis.

In claim 23, line 1, "claim 11" should be changed to --claim 1--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 16, 17, 19, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Burger (US 4,288,255).

Burger provides a vehicle washing apparatus comprising a coating application apparatus (2) to apply coating formulation (i.e., surface agent) onto a vehicle and a water sheet application apparatus (3) to apply a sheet of water onto the coating formulation applied previously to the vehicle to create a coating solution to evenly disperse the coating formulation on the vehicle.

With respect to claim 16, Burger provides a liquid (detergent) formulation dispensing station (1) to apply a liquid formulation to a vehicle; and a waterfall dispensing station (3) arranged over the vehicle and constructed and arranged to release a generally continuous sheet of water onto the vehicle, the generally continuous sheet of water falling freely onto the vehicle from a position immediately adjacent the waterfall dispensing station and over the vehicle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burger (US 4,288,255) in view of Rendemonti (US 4,020,857).

Burger provides a vehicle washing apparatus as mentioned above and provides a sprayer application arrangement (2) for dispensing rinse including a surface tension/increasing agent in an aqueous base but is silent concerning the spray of silicone. However, it was known in the art at the time the invention was made, to provide a silicone spray agent (Fig. 1; 40) in an aqueous base to apply as a rinse to the vehicle in order to remove excess wax as evidenced by Rendemonti (col. 3, lines 46-48). It would have been obvious to one of ordinary skill in the art to provide the aqueous based silicone agent as taught by Rendemonti as a spray agent in the apparatus of Rendemonti in order remove excess wax on the vehicle surface.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger (US 4,288,255) in view of Shrigley (US 2001/0042797).

Burger provides a vehicle washing apparatus as mentioned above and provides a water sheet application apparatus including a water curtain spray tube body (9) defining an enclosure or tank. Burger does not provide the tube body with opposed open ends for receipt of water or aqueous solution. However, it was known in the dispenser art, at the time the invention was made, to provide a tube body with opposed open ends capable of receiving liquid or water in order to effect a curtain spray pattern of liquid with more control of splash and provide for more

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efficient cleaning as evidenced by Shrigley (see Fig. 11; [0042]). In light of the teachings of Shrigley, it would have been obvious to one of ordinary skill in the art to provide the Burger tube body with opposed open ends for receiving water or aqueous solution to provide for a curtain spray pattern of liquid with more control of splash and provide for more efficient cleaning.

With respect to claim 9, the apparatus as defined by the combination above is silent concerning a tubular body with a pipe within which extends to opposite ends of the body with plural slits/openings spaced at the bottom. However, Shrigley at least establishes the conventional wisdom in the dispensing art to provide a pipe within the tubular body including at least one slot to form the curtain spray pattern as evidenced by [0039]. In light of the teachings of Shrigley, it would have been obvious to one of ordinary skill in the art to provide the Burger tube body with an interior pipe which extends to opposite ends of the tube body in order to control the flow of liquid from the curtain. As for the use of plural slits/openings spaced at the bottom of the interior pipe, it would have been obvious to one of ordinary skill in the art to provide plural openings/slots in the interior pipe to effect a desired curtain spray pattern.

With respect to claim 10, the tube body is cylindrical in shape; however, Shrigley establishes that the tube can be of any desired shape as evidenced by [0037]. Therefore, it would be within the purview of one skilled in the art to provide the tube body as defined by the combination above of an appropriate shape (i.e., trapezoidal).

Claims 18 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger (US 4,288,255).

Burger provides a vehicle washing apparatus as mentioned above and further provides a water sheet application apparatus including a heated water supply. Burger fails to teach the water supply being unheated. However, in light of energy conservation and the need to lower operating costs, it would have been obvious to one of ordinary skill in the art to provide unheated water to the water sheet application apparatus in order to save energy and lower operating costs.

With respect to claims 21-24, Applicant's intended use of the water sheet application apparatus to apply a sheet of water to mix or coact or dissolve already applied coating formulation would go to the intended use of the apparatus and but would not structurally define the instantly claimed invention over the prior art to Burger.

Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger (US 4,288,255) in view of Shrigley (US 2001/0042797) in view of Syrovatka et al (US 3,883,356), hereinafter referred to as Syrovatka.

Burger provides a vehicle washing apparatus as mentioned above and provides a water sheet application apparatus (3) including a water curtain spray tube body (9) defining an enclosure or tank. Burger does not provide the tube body with a supply of wax. However, it was known in the cleaning art, at the time the invention was made, to supply a wax based composition in an aqueous base as a final cold rinse to facilitate rinsing and drying of the cleaned vehicle with the deposition of a water repellent film on the vehicle surface as evidenced by Syrovatka (col. 1, lines 9-42). In light of the teachings of Syrovatka, one of ordinary skill in the art would readily appreciate a wax supply to the Burger tube body in order to mix with the water to provide for a wax based composition in an aqueous base as a final rinse to facilitate rinsing

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and drying of the cleaned vehicle with the deposition of a water repellent film on the vehicle surface without the need for use of hot water.

With respect to claim 26, Applicant's intended use of the water sheet application apparatus to apply a sheet of water to create a solution with coating material on the vehicle would go to the intended use of the apparatus and but would not structurally define the instantly claimed invention over the prior art to Burger.

With respect to claim 27, Burger provides of a coating material application arrangement (2) to apply coating formulation (i.e., surface agent) onto a vehicle with a liquid sheet application arrangement (3) capable of creating a coating solution to disperse coating material on the vehicle.

With respect to claim 28, the apparatus as defined by the combination above would provide for a liquid sheet application arrangement with gravity supplied liquid.

Allowable Subject Matter

Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose the state of the art with respect to spray curtain apparatus: Seibusch (DE 3518298) and Nolen (US 6,742,720).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura Edwards/
Primary Examiner
Art Unit 1792

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July 17, 2008